

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ALVIN HENNINGTON, JR.

Plaintiff,

v.

SAN DIEGO POLICE DEPARTMENT,
et. al.,

Defendants.

Civil No.08cv0859 JAH (LSP)

**ORDER DENYING MOTION FOR
DEFAULT JUDGMENT**
[Doc. No. 16]

Plaintiff filed a document *nunc pro tunc* to August 21, requesting entry of default judgment. The motion lacks any argument in support of his request. Additionally, Plaintiff is improperly seeking entry of default judgment prior to obtaining entry of default. Moreover, entry of default is not warranted. Default is entered when a party fails to respond to a complaint. See FED.R.CIV. 55. Defendant has responded to the complaint by filing a motion to dismiss. See Doc. No. 7. As such, Plaintiff's motion for default judgment is premature and improper.¹

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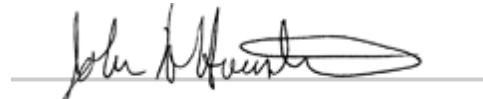
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¹Any further failure to comply with the Federal Rules of Civil Procedure or orders of this Court may result in sanctions including dismissal of the case. See CivLR 83.1.

1 Based on the foregoing, IT IS HEREBY ORDERED Plaintiff's motion for default
2 judgment is **DENIED**.

3 DATED: August 26, 2008

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5 JOHN A. HOUSTON
6 United States District Judge
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